

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SONNI TYSON,

Plaintiff,

v.

SAVASENIORCARE ADMIN SERVICES,

Defendant.

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Case No. 16 C 3010

MEMORANDUM ORDER


Sonni Tyson ("Tyson") has filed an Employment Discrimination action against his ex-employer SavaSeniorCare Admin Services ("SavaSeniorCare").¹ This memorandum order is issued sua sponte to address a question of timeliness posed by Tyson's Complaint ¶ 7.

Every EEOC right-to-sue letter concludes with a notification to the employee or ex-employee that suit must be brought within 90 days after his or her receipt of that letter. In this instance Complaint ¶ 7 alleges that the EEOC sent Tyson his right-to-sue letter "[o]n or about December 9, 2015," while Complaint ¶ 8 alleges accurately that this action was filed on March 9, 2016. That being so, in this leap year March 8 was the 90th day after December 9, 2015, and the relevant caselaw employs a three-day to five-day default presumption of receipt after EEOC's mailing.

That being so, even though it certainly seems highly likely that Tyson brought suit within the prescribed 90-day limit, that is not necessarily the case. Accordingly Tyson's counsel is

¹ Because the Complaint reproduces defendant's name entirely in capital letters, defendant's name as presented in the text has been drawn from its website.

ordered to file an amendment to the Complaint (not a full-blown Amended Complaint) stating Tyson's date of receipt of the EEOC letter. Because it seems quite certain that Tyson will qualify on the timeliness issue, this Court is contemporaneously issuing its customary initial status hearing order on the assumption that Tyson's amendment will eliminate any question on the score of timeliness.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

Milton I. Shadur
Senior United States District Judge

Date: March 22, 2016